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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,135	05/30/2001	Christopher Charles Norris Callow	1805-004	8867

7590

02/21/2003

Hopgood, Calimafde, Judlowe & Mondolino
60 East 42nd Street
New York, NY 10165

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/870,135

Applicant(s)

Callow

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 22, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The amendment filed November 22, 2002 has been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Drawings

2. The drawings stand objected to because in Figures 4[✓] and 5[✓], the use of numeral 30 is improper since it has already been used to designate another feature (the mounting points in Figures 2 and 3), and it seems that each occurrence of 30 should be changed to --37-- or the like. A proposed drawing correction was not received and is required in reply to this Office action to avoid abandonment of the application (it is noted that a marked-up drawing is necessary so that the PTO Draftsman, who reviews only the drawings, can readily review the changes).
3. The corrected drawings filed on November 22, 2002 have been received.

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Claim Rejections - 35 USC § 112

4. Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 10, line 6, [✓]“a A wire-cutting apparatus for brick manufacturing, the apparatus including” is vague and indefinite as to what is being set forth, particularly since “a A” is unclear, the recitation “A wire-cutting apparatus” is vague and indefinite as to how it relates to that set forth in line 1, and “the apparatus” is vague as to which apparatus; in lines 7-10, [✓]the recitations set forth are vague and indefinite as to how they relate those same limitations previously set forth in lines 2-5; in line 15, [✓]the use of the period renders the claim vague and indefinite as to what is being claimed (i.e., is the subject matter after the period “.” intended to be considered part of the invention); in lines 15-16, [✓]the recitations set forth are vague and indefinite as to how they relate those same limitations previously set forth in lines 11-12; in lines 17-19, [✓]the recitations set forth are vague and indefinite as to how they relate those same limitations previously set forth in lines 13-15.

In claim 12, line 4, [✓]the recitation “the wire passes” lacks positive antecedent basis and is vague and indefinite as to what is being set forth.

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In claim 13, line 2, ✓“the blade” is vague as to which blade; in line 4, ✓the recitation “the wire passes” lacks positive antecedent basis and is vague and indefinite as to what is being set forth.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 10, as understood, is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vrijma, pn 3,695,129.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11-15, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrijma, pn 3,695,129.

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Vrijma discloses a cutting apparatus with almost every structural limitation of the claimed invention but lacks (a) a passage in the blade through which the wire passes, (b) blades on both beams, and (c) each wire having a major length displaced laterally relative to portions of the wire located between the beams. However, the Examiner takes Official notice that these features are old and well known in the art and provide various well known benefits. For example, providing passages in the blades through which the wires pass provides known benefits such as additional support and stability for the wire while also providing a more compact configuration. Further, providing blades on both beams provides various well known benefits including providing a desired cut pattern on both sides of the workpiece. Further, providing a major length of the wire displaced laterally relative to portions of the wire located between the beams provides various well known benefits including providing for a remote connection point for the wire to facilitate maintenance to the apparatus and/or adjustment or replacement of the wire. Therefore, it would have been obvious to one having ordinary skill in the art to provide a passage in the blade through which the wire passes, and blades on both beams for the well known benefits including those described above.

Response to Arguments

9. Applicant's arguments filed November 22, 2002 have been fully considered but they are not persuasive.

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In the second paragraph on page 6 of the amendment, applicant argues that “[T]he foregoing limitations are neither disclosed in, nor suggested by, the Vrijma patent.” Applicant further argues that “[T]here is no consideration whatsoever in the Vrijma patent to forming a slot adjacent to a corner of the article being formed.” The Examiner respectfully submits that applicant’s argument is not understood, particularly in view of new claims 10-15. Applicant appears to be arguing that the Vrijma patent is not used in the same manner as that of the present invention. However, it is respectfully submitted that the Examiner’s position is not that the prior art is used in the same manner or for the same purpose as the present invention, but rather that the prior art teaches and/or suggests all of the structure of the claimed invention.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Tuesday through Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.


Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
February 15, 2003